

AMENDED IN SENATE MAY 23, 2013

AMENDED IN SENATE APRIL 24, 2013

**SENATE BILL**

**No. 204**

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**Introduced by Senator Corbett**

February 8, 2013

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An act to add Section 4076.3 to the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Corbett. Prescription drugs: labeling.

The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Existing law prohibits a pharmacist from dispensing any prescription unless it is in a specified container that is correctly labeled to include, among other information, the directions for the use of the drug. A violation of the Pharmacy Law is a crime.

This bill would, commencing January 1, 2016, ~~require a pharmacist to use~~ translations of the directions for use in non-English languages published on the board's Internet Web site *to be used*, as applicable, when labeling a prescription container. *The bill would, notwithstanding these provisions, authorize a pharmacy to provide its own translations of the directions for use established by regulation of the board in the non-English languages published on the board's Internet Web site.* The bill would authorize a pharmacist ~~to translate~~ the directions for use *use, as specified, to be translated* into additional non-English languages if certified translation services are utilized to complete the additional translations. *The bill would authorize a pharmacist to provide the English language directions for use, as specified, if he or she reasonably believes a translation of the directions for use contains an error due to*

*software or equipment malfunction. The bill would also provide that a pharmacist that reasonably uses the translations of the directions for use in non-English languages published on the board’s Internet Web site has not breached his or her legal duty if the published translations contain an error and the pharmacist did not know, or did not have reason to know, of the error.* Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4076.3 is added to the Business and
- 2 Professions Code, to read:
- 3 4076.3. (a) ~~A pharmacist shall use translations~~ *Translations*
- 4 *of the directions for use in non-English languages published on*
- 5 *the board’s Internet Web site shall be used, as applicable, when*
- 6 *labeling a prescription container pursuant to Section 4076.*
- 7 (b) ~~A pharmacist may translate the~~ *The* directions for use
- 8 *established by regulation of the board may be translated into*
- 9 *additional non-English languages if certified translation services*
- 10 *are utilized to complete the additional translations.*
- 11 (c) *Notwithstanding subdivision (a), a pharmacy may provide*
- 12 *its own translations of the directions for use established by*
- 13 *regulation of the board in the non-English languages published*
- 14 *on the board’s Internet Web site when labeling a prescription*
- 15 *container pursuant to Section 4076.*
- 16 (d) *If a pharmacist reasonably believes that a translation of the*
- 17 *directions for use contains an error due to software or equipment*
- 18 *malfunction, he or she may provide the English language directions*
- 19 *for use established by regulation of the board pursuant to Section*
- 20 *4076.*
- 21 (e) *A pharmacist that reasonably uses the translations of the*
- 22 *directions for use in non-English languages published on the*
- 23 *board’s Internet Web site has not breached his or her legal duty*

1 *if the published translations contain an error and the pharmacist*  
2 *did not know, or did not have reason to know, of the error.*

3 (e)

4 (f) This section shall become operative on January 1, 2016.

5 SEC. 2. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.